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10
11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13

14 In Re Intel Laptop Battery Litigation

Case No. CV-09-2889-JW

15 **STIPULATION AND XXXXXXXXXXXXX**
16 **ORDER RE AMENDMENT TO**
17 **STIPULATED PROTECTIVE ORDER**
ENTERED JANUARY 14, 2010

1 **WHEREAS** a Stipulated Protective Order was entered by the Court on January 14, 2010 (the
2 “Protective Order”).

3 **WHEREAS** a third party upon whom plaintiffs served a subpoena, NVIDIA Corp., requested
4 that the parties add an additional category of "Confidential Information or Items" to the Protective
5 Order: “Highly Confidential - Outside Counsel’s Eyes Only,” in light of the sensitivity to NVIDIA of
6 some of the subpoenaed documents, which NVIDIA does not wish to be shared with Intel's in-house
7 counsel.

8 **WHEREAS** plaintiffs and defendants do not object to this additional category so that NVIDIA
9 and other Designating Parties may hereafter designate documents with this label when warranted, and
10 such designation shall be treated as set forth below.

11 **WHEREAS** defendants and plaintiffs agree that NVIDIA should be included in the list of Intel
12 competitors listed in the Protective Order.

13 **WHEREAS** on July 8, 2010 the parties submitted an Amended Stipulated Protective Order,
14 D.E. #88, which sets forth the parties’ agreement to amend the Protective Order as follows:

15 1. A new category of "Confidential Information or Items" shall be added to Section 2
16 ("DEFINITIONS") of the Protective Order as follows:

17 “2.14: Highly Confidential - Outside Counsel’s Eyes Only: extremely
18 sensitive “Confidential Information or Items” whose disclosure to
19 another Party, nonparty or House Counsel would create a substantial risk
20 of serious injury that could not be avoided by less restrictive means.”

21 2. Sections 2.8 ("Protected Material"), 5.2 ("Manner and Timing of Designations"), 5.3
22 ("Inadvertent Failure to Designate"), 7.4 ("Procedures for Approving Disclosures of “HIGHLY
23 CONFIDENTIAL – ATTORNEYS’ EYES ONLY” Information or Items to “Experts””), and 8
24 ("PROTECTED MATERIAL SUBPOENAED OR ORDERED PRODUCED IN OTHER
25 LITIGATION) of the Protective Order shall be amended to include, in addition to “HIGHLY
26 CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” the new category ‘HIGHLY CONFIDENTIAL –
27 OUTSIDE COUNSEL’S EYES ONLY.’”

3. The following section of the Protective Order shall be added following section 7.3 (“Disclosure of “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” Information or Items”:

“7.3a Disclosure of HIGHLY CONFIDENTIAL –OUTSIDE COUNSEL’S EYES ONLY” Information or Items. Unless otherwise ordered by the court or permitted in writing by the Designating Party, a Receiving Party may disclose any information or item designated “HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL’S EYES ONLY” only to:

(a) the Receiving Party’s Outside Counsel of record in this action, as well as employees of said Counsel to whom it is reasonably necessary to disclose the information for this litigation;

(b) Experts (as defined in this Order) (1) to whom disclosure is reasonably necessary for this litigation, (2) who have signed the “Agreement to Be Bound by Protective Order” (Exhibit A), and (3) as to whom the procedures set forth in paragraph 7.4, below, have been followed;

(c) the Court and its personnel;

(d) court reporters, their staffs, and professional vendors to whom disclosure is reasonably necessary for this litigation and who have signed the “Agreement to Be Bound by Protective Order” (Exhibit A); and

(e) the author of the document or the original source of the information.

4. NVIDIA Corp. shall be added to the list of "Intel competitors" in Section 2.12.

IT IS SO STIPULATED.

DATED: July 14, 2010

GIRARD GIBBS LLP
Interim Class Counsel for PLAINTIFFS

KAPLAN FOX & KILSHEIMER LLP

By: /s/ Linda M. Fong
Linda M. Fong

Additional Counsel for Plaintiffs

1 DATED: July 14, 2010

PERKINS COIE BROWN & BAIN P.A.

2
3 By: /s/ Anthony L. Marks
4 Anthony L. Marks

5 *Counsel for Defendant Intel Corporation*

6 DATED: July 14, 2010

NARANCIC & KATZMAN, PC.

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9 By: /s/ Perry J. Narancic
10 Perry J. Narancic

11 *Counsel for Defendant Business Applications*
12 *Performance Corporation*

13 **ORDER**

14 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

15
16 DATED: July 26 , 2010



The Honorable Patricia V. Trumbull
United States Magistrate

ATTESTATION

I, Linda M. Fong, the ECF User whose identification and password are being used to electronically file this document hereby attest, in compliance with General Order 45.X.B, that Perry J. Narancic and Anthony L. Marks have concurred in its filing and that their concurrence in the filing of this document, indicated by a conformed signature (“/s/”) within this e-filed document, will be kept on file.

Dated: July 14, 2010

/s/ Linda M. Fong

Linda M. Fong

Certificate of Service

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 14th day of July, 2010 with a copy of this document via the Court's CM/ECF system. I certify that all parties who have appeared in this case are represented by counsel who are CM/ECF participants. Any other counsel of record will be served by electronic mail, facsimile transmission, and/or first class mail on this same date.

/s/ Linda M. Fong

Linda M. Fong